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10/575,240	01/30/2007	Samuel Guerin	P-8715-US	6954
49443	7590	11/26/2010	EXAMINER	
Pearl Cohen Zedek Latzer, LLP			GAMBETTA, KELLY M	
1500 Broadway			ART UNIT	PAPER NUMBER
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New York, NY 10036				
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			11/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@pczlaw.com
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DETAILED ACTION

Response to Arguments

Applicant's arguments filed 22 October 2010 have been fully considered but they are not persuasive. The applicant argues that Barkley does not teach a mask per source. However, this language is not present in the claims. The claims only require an associated mask for the sources, and not one per source as argued. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, the applicant argues that Barkley does not teach a continuously varying gradient regarding film thickness. However, the claim includes a thickness that increases "substantially continuously", which is not synonymous with a continuously varying gradient. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicant additionally argues that Barkley does not teach the claimed geometries. However, as claimed, Barkley defines a further plane as described in the claim where it is defined by the center of the source associated with a mask, the substrate and an intersecting edge of the mask so that the mask is positioned that its intersection of the surface of the source with the further plane and the lines in the further plane joining each edge of the source with the opposite edge of the substrate (see Figures 4 and 5, for example – the lines are drawn to illustrate the path of the source vapor and show just this configuration, the source coats the opposite

side of the substrate). As to the position of the mask designated by coordinates Hy and Hx as defined in the claims, it is noted that Barkley shows the same position in the mask in the Figures as is shown in the instant Figures. It is also noted that Hx and Hy are not defined by concrete values and therefore may be any number as the planes as shown in the Figures of Barkley certainly have an E, F, A, C and D as defined. Further, Barkley teaches that the position of the mask (or shield) is dependant upon a desired distance between filaments, width of grading and distance of evaporation sources from evaporation (column 5 lines 65-70, for example). Therefore, the placement of the mask is dependant upon process conditions and thus is a result effective variable and may be modified by routine experimentation. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barkley to include the position of the mask as defined by point Hx and Hy by routine experimentation based upon the desired distance between filaments, width of grading and distance of evaporation sources from evaporation. In order to overcome a rejection based upon a result effective variable, unexpected results must be shown commensurate in scope with the claim.

The applicant additionally argues that the movability of the mask is not taught regarding the intended function of the applicants. Again, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Barkley thus meets this feature as broadly claimed, as the claim language includes the mask at some point being moved out of the vacuum chamber either during assembly or cleaning.

In conclusion, the overall broad language of the limitations in the claims as discussed above allows Barkley et al. to remain a valid reference as outlined in the previous office action. Thus, for at least these reasons, the rejections of the previous office action are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY GAMBETTA whose telephone number is (571)272-2668. The examiner can normally be reached on Monday - Thursday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kelly M Gambetta
Examiner
Art Unit 1715

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/Timothy H Meeks/
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